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Testimony to the Senate Committee on Families, Seniors, and Human Services on HB 4388

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Introduction

Chairperson Emmons and members of the committee, my name is Jacqueline Doig and I am an attorney and the Director of Advocacy for the Center for Civil Justice (CCJ), a non-profit organization with offices in Flint and Saginaw. We provide a variety of services to low-income people and their advocates in a 14-county region of mid-Michigan and the Thumb. We regularly meet with and work closely with many non-profit human services providers, including faith-based and community-based organizations and a myriad of other agencies that work to assist parents who are trying hard to maximize their potential for self-sufficiency. These agencies also work to fill the gaps when low income families lack the resources to make ends meet.

I am testifying in opposition to HB4388. HB4388 would add a provision to the Social Welfare Act that

- Prohibits an entire family from receiving cash assistance benefits if a child in that family under the age of 16 is not attending school in compliance with the Revised School Code
- Prohibits cash assistance to a child age 16 and over who is not attending school in compliance with the School Code but would not prohibit cash assistance to the others in the group.

While HB 4388, directs DHS to implement policies, it is clear from its general and vague structure that HB 4388 is intended to codify the current DHS policies. As a result, our testimony is focused on the deficiencies in the policy as we believe any legislation should address deficiencies, rather than codify them.

Unacceptable features of the current policy and HB 4388 include:

- The lack of a statewide standard for schools districts to use when measuring acceptable attendance

- Penalties that deny assistance to an entire family, including children who are not truant or are not of school age, and parents who may not be able to control a child's truant behavior once the child arrives at school
- Penalties that further destabilize families by putting them at risk of homelessness and thus undermine educational success
- Failure to ensure services such as supervision of older children while a parent is working that may be necessary to improve attendance and support
- Failure to define and recognize good cause exceptions, including disability-related absences

Lack of clarity or guidance in the proposed legislation or current DHS policy defining or establishing standards for "regular school attendance".

Neither HB 4388 nor current DHS policy provides any guidance, definition or standard concerning a uniform state-wide definition of school attendance. While HB4388 refers to Section 1561 of the Revised School Code, MCL 380.1561, for the description of "compulsory school attendance", that statute adds nothing that would clarify this nebulous term. DHS policy leaves up to local schools and school districts to define or set standards for enrollment and attendance compliance. Virtually every school district has an attendance policy that is unique to that district. Some districts notify parents after a single instance of truancy and others do not inform parents until there are several instances. Definitions of what is an 'excused' absence vary.

It is highly unlikely that each school district's policy would include any direction or explanation concerning how its attendance records are to be maintained for purposes of reporting to DHS on individual children. Furthermore, it was very apparent from community meetings at the time the DHS policy was implemented that there is a wide divergence concerning schools' approach to suspensions and how those are reflected on students' attendance records. Without sufficient guidance in either the proposed legislation, the Revised School Code, or the current DHS policy, inconsistent and unacceptable results across the State are guaranteed.

Severe punishment for entire family – including pre-school and non-truant siblings - if a child age 6 through 15 does not meet the nebulous test.

HB 4388 codifies longstanding DHS policy that requires verification of school attendance for dependent children age 16 through 18 (and minor parents) who have not graduated from high school. These older teens and minor parents are removed from the family's cash assistance

grant if they fail to attend school. As long as the family includes other children, the family continues to receive cash assistance, reduced to remove the truant child.

Effective October 1, 2012, DHS modified its written policy so that an entire family's cash assistance benefit is stopped if a child in the family aged 6 through 15 does not regularly attend school. HB 4388 would codify this harmful policy, which punishes families already struggling under the stress of poverty. For families in deep poverty, loss of their already meager income means dire consequences not only for the truant child, but for any other child in the household who is not truant, including infants and pre-schoolers. Loss of income makes it impossible for families to make ends meet, leading to eviction or utility shutoffs, and further instability that cannot possibly lead to improved school attendance.

Furthermore, a sibling's truancy is almost certainly beyond the control of the children who are regularly attending school, or not yet old enough to attend, and may be beyond the control of the parents as well. Even the most diligent parent has little control over school attendance of a 14 or 15 year old child who is dropped off at the school door, goes into the building, but then leaves at any time during the school day and is subsequently absent. Once a child turns 13, DHS doesn't offer any financial help to indigent parents who have to work in the early morning to pay for adult supervision so that older children get to school.

For many families who rely on FIP to make ends meet during period of unemployment or underemployment, this full family sanction means the loss all or most of the family's monthly income – a punishment for a child's truancy that is so severe one could hardly imagine it being imposed on any other group of families. This puts the entire family at risk of homelessness, utility shut-offs, and resulting involvement of the child protection system which is expensive and terribly disruptive for families. In addition, the policy puts the family's cash assistance benefit into the hands of children as young as six years of age. This is a significant burden for a young child.

Absence of provisions for good cause exceptions and mandated services to address the causes of issues in school attendance prior to sanction.

Neither the proposed legislation nor the current DHS policy creates any exceptions based on good cause. For that matter, neither addresses the very real challenges facing families with children with disabilities that may impact school attendance. Relying on schools and school districts to address these serious issues while creating and applying district-by-district policy is ill-advised and will result in vastly different treatment of cash assistance groups being challenged by disabilities.

Likewise, neither the proposed legislation nor the current DHS policy requires DHS to assess and assist the cash assistance group in overcoming challenges that result in issues of school attendance of the children prior to application of the severe sanction of terminating the group's cash assistance benefit. An example of such a challenge is a situation previously described in which a parent who cannot receive paid childcare (because the child is 13 or older) works at a job that requires them to leave home before the child leaves for school. Such a situation could well interfere with the parent's ability to ensure consistent school attendance.

In addition to the foregoing reasons that CCJ opposes HB 4388, we are including a chart that lists requirements and consequences for different student age groups. Please note the column entitled "to regain FIP eligibility". It shows clearly the challenges created by the policy requiring school attendance for 21 consecutive calendar days and verification prior to benefits being reinstituted. Unfortunately DHS policy is not clear how this will be implemented. Furthermore, in discussions with various DHS staff, including local DHS office staff, the explanation of how the process of reinstatement of benefits after 21 consecutive calendar days of attendance and its verification is not well defined or consistent within DHS.

Conclusion

The State of Michigan and DHS should be removing barriers and assisting families toward self-sufficiency rather than creating more barriers and pushing them farther away from those goals. Instead of directly addressing the issue of school attendance, this proposed legislation, and the DHS policy it seeks to codify, sanctions the entire family for the actions of one child. That sanction will not guarantee the child's school attendance and will create barriers in the family's path toward self-sufficiency.

IMPACT OF DHS POLICY ON TRUANCY OR SCHOOL ATTENDANCE

Age of dependent child	Consequence for non-attendance	Verification	To regain FIP eligibility
6-15	The entire FIP group is not eligible to receive FIP	Verify school enrollment and attendance at application and redetermination	Verification required that child has attended school full-time for 21 consecutive days (Policy is unclear if or when re-application is required)
16-17	The dependent child is disqualified from the FIP group Note: A child graduated from high school is not required to attend a work participation program	Verify school enrollment and attendance at application, recertification, and each birthday	Verification required that child has attended school full-time for 21 consecutive days
18 (must be expected to graduate from high school before age 19)	The 18 year old in high school is not eligible as part of the FIP group	Verify school enrollment and attendance at application, recertification and each birthday	Verification required that child has attended school full-time for 21 consecutive days
Minor Parent under age 18	The minor parent and his/her dependent child(ren) are disqualified	Verify school enrollment and attendance at application, recertification and each birthday	Reapplication and verification required that minor parent has attended school full-time for 21 consecutive days (BEM 201)

